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4 GIOVANNI MONTES,
5 Plaintiff,
6 v.
7 MILLER,
8 Defendant.

9 Case No. 22-cv-07229-JST

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ORDER OF DISMISSAL

Plaintiff has filed a *pro se* civil rights action pursuant to 42 U.S.C. § 1983. On February 21, 2023, Court mail addressed to Plaintiff was returned as undeliverable because Plaintiff was no longer in custody. ECF Nos. 11, 12, 13. N.D. Cal. L.R. 3-11 provides that the Court may, without prejudice, dismiss a complaint when: (1) court mail addressed to the *pro se* party has been returned to the court as not deliverable, and (2) the Court fails to receive within 60 days of this return a written communication from the *pro se* party indicating a current address. *See* N.D. Cal. Civil L.R. 3-11(b). More than sixty days has passed since court mail addressed to Plaintiff was returned as undeliverable. Accordingly, the instant action is DISMISSED without prejudice pursuant to N.D. Cal. Civil L.R. 3-11. The Clerk shall enter judgment in favor of Defendant and close the case.

IT IS SO ORDERED.

Dated: May 2, 2023


JON S. TIGAR
United States District Judge